UNITED NATIONS **E**

Economic and Social Council

Distr.
LIMITED

E/1998/L.49/Rev.1
5 August 1998

ORIGINAL: ENGLISH

Substantive session of 1998
New York, 6-31 July 1998
Agenda item 14 (g)

SOCIAL AND HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS

Draft decision submitted by the Vice-President of the Council, Mr. Anwarul Chowdhury (Bangladesh), on the basis of informal consultations

The Economic and Social Council,

Having considered the note by the Secretary-General on the privileges and immunities of the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers,[1]

Considering that a difference has arisen between the United Nations and the Government of Malaysia, within the meaning of section 30 of the Convention on the Privileges and Immunities of the United Nations, with respect to the immunity from legal process of Dato' Param Cumaraswamy, the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers,

Recalling General Assembly resolution 89 (I) of 11 December 1946,

1. Requests on a priority basis, pursuant to Article 96, paragraph 2, of the Charter of the United Nations and in accordance with General Assembly resolution 89 (I), an advisory opinion from the International Court of Justice on the legal question of the applicability of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations in the case of Dato' Param Cumaraswamy as Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers, taking into account the circumstances set out in paragraphs 1 to 15 of the note by the Secretary-General,[1] and on the legal obligations of Malaysia in this case;

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[1] E/1998/94.

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2. Calls upon the Government of Malaysia to ensure that all judgements and proceedings in this matter in the Malaysian courts are stayed pending receipt of the advisory opinion of the International Court of Justice, which shall be accepted as decisive by the parties.